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Hearing Date: May 27, 2020
Time: 10:00am

Opposition Deadline: April 3, 2020

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Plaintiff,

v.

UBS AG, UBS (LUXEMBOURG) SA, UBS FUND
SERVICES (LUXEMBOURG) SA, UBS THIRD
PARTY MANAGEMENT COMPANY SA,
ACCESS INTERNATIONAL ADVISORS LLC,
ACCESS INTERNATIONAL ADVISORS LTD.,
ACCESS MANAGEMENT LUXEMBOURG SA
(f/k/a ACCESS INTERNATIONAL ADVISORS
(LUXEMBOURG) SA) as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,

Adv. Pro. No. 10-04285 (SMB)

ACCESS PARTNERS SA as represented by its Liquidator MAÎTRE FERNAND ENTRINGER, PATRICK LITTAYE, CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) in her capacity as Executrix under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) individually as the sole beneficiary under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), PIERRE DELANDMETER, THEODORE DUMBAULD, LUXALPHA SICAV as represented by its Liquidators MAÎTRE ALAIN RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN RUKAVINA AND PAUL LAPLUME, in their capacities as liquidators and representatives of LUXALPHA SICAV, and GROUPEMENT FINANCIER LTD.,

Defendants.

**NOTICE OF THE TRUSTEE'S MOTION FOR
LEAVE TO FILE A SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Trustee's Motion for Leave to File a Second Amended Complaint and Declaration of Oren J. Warshavsky with the attached Proposed Second Amended Complaint, Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, by and through the Trustee's undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York 10004, on **May 27, 2020 at 10:00 a.m.**,¹

¹ The Trustee has been informed that certain Defendants are considering filing a cross-motion in response to the Trustee's Motion for Leave to file a Second Amended Complaint. This schedule is meant to account for briefing on both the Trustee's motion and a potential cross-motion, and is the reason the Trustee has noticed the May 27, 2020 omnibus hearing date.

seeking entry of an order under Rule 15 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7015 of the Federal Rules of Bankruptcy Procedure, granting the Trustee's motion for leave to file a second amended complaint, in substantially the form attached as **Exhibit A** to the Warshavsky Declaration, on the grounds and for the reasons set forth in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must be: (i) in writing, conform to applicable rules of this Court and filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **April 3, 2020** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York, 10111, Attn: David J. Sheehan; and (b) Securities Investor Protection Corporation, 1667 K Street, N.W., Suite 10, Washington, DC 20006, Attn: Kevin Bell. Any objections must specifically state the interest that that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that failure to file timely objections may result in the entry of an order granting the relief requested in the Motion without further notice to any party or an opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that the Trustee shall file a reply, if any, by no later than **4:00 p.m. on May 4, 2020**.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is attached to the Warshavsky Declaration as **Exhibit B.**

Dated: March 2, 2020
New York, New York

By: /s/ Oren J. Warshavsky

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Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*